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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,695	02/27/2004	Barret Lippey	02103-603001 / AABOSS32-C	9312

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EXAMINER	
MAHONEY, CHRISTOPHER E	

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,695	LIPPEY ET AL.	
	Examiner	Art Unit	
	Christopher E. Mahoney	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-75* is/are pending in the application.

4a) Of the above claim(s) *1,2,12-44 and 50-62* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-11,45-49 and 63-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ~~OCT 2004~~, AUG 2004, APR 2005, SEP 2005 & NOV 2005
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II, claims in the reply filed on 3-11, 45-49, and 63-75 is acknowledged.

Claim Objections

Claims 69-70 are objected to because of the following informalities: There is a lack of antecedent basis for the laminating recited in claims 69-70. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-7, 63-65, and 72-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaushik (U.S. Pat. No. 5,726,805). Kaushik teaches an optical device comprising a first reflective layer 20, a second reflective layer 20, substantially continuous layers of dielectric material 12, 16, each layer consisting of alternating high and low indices of refraction so that the optical output of the device includes substantially more light in wavelengths in a plurality of narrow wavelength bands (figs. 8-9) than light not in the plurality of wavelength bands.

Claims 3-4, 7-8, 10, 63, 65-66, 72-73 and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Deter (U.S. Pat. No. 6,428,169). Deter teaches an optical device comprising a first reflective layer 7, a second reflective layer 11, substantially continuous layers of dielectric material 14, each layer consisting of alternating high and low indices of refraction so that the optical output of the device includes substantially more light in wavelengths in a plurality of narrow wavelength bands (figs. 3) than light not in the plurality of wavelength bands. Regarding claim 6, Deter could also be interpreted where the 11 is the first reflective layer and 7 is the second reflective layer. The applicant is directed to further review col. 3, lines 50-60.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 9, 45-49 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deter (U.S. Pat. No. 6,428,169) in view of Yamada (U.S. Pat. No. 5,148,309). Deter teaches the salient features of the claimed invention except for an aluminum reflective layer and polarization. Yamada teaches in col. 4, line 33 that aluminum is known as the reflection material in reflective projection screens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the aluminum taught by Yamada for the purpose of utilizing readily available materials. The applicant should note that it has been held to be within

the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Yamada teaches in the abstract that it was known to utilize a polarizing layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Yamada for the purpose of expansive diffusion without deterioration of effective function.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deter (U.S. Pat. No. 6,428,169) in view of Portner (U.S. Pat. No. 3,942,869). Deter teaches the salient features of the claimed invention except for the size greater than 7 inches. Portner teaches in col. 1, line 45 that it was known to provide a screen greater than 7 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Portner for the purpose of large panoramic viewing.

Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaushik (U.S. Pat. No. 5,726,805) in view of Ohsako (U.S. Pub. No. 20040061935). Deter teaches the salient features of the claimed invention except for the diffusing substrate. Ohsako teaches that it was known to provide the dielectric layers on a diffusing substrate. The applicant is directed to review the figures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Ohsako for the purpose of increasing viewing angles.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaushik (U.S. Pat. No. 5,726,805) in view of Portner (U.S. Pat. No. 3,942,869). Kaushik teaches the salient features of the claimed invention except for the size greater than 7 inches. Portner teaches in col. 1, line 45 that it was known to provide a screen greater than 7 inches. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Portner for the purpose of large panoramic viewing.

Claims 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaushik (U.S. Pat. No. 5,726,805) in view of Matsuda (U.S. Pat. No. 5,361,163). Kaushik teaches the salient features of the claimed invention except for the radiation curing. Matsuda teaches that it was known to utilize radiation curing resin adhesive in a projection screen. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Matsuda for the purpose of allowing adjustments before setting.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher E Mahoney
Primary Examiner
Art Unit 2851